

# **Exhibit 1**

CLOSED, INTERPRETER

United States District Court  
Western District of Michigan (Grand Rapids)  
CRIMINAL DOCKET FOR CASE #: 1:03-cr-00088-RHB-1

Case title: USA v. Fockler, et al

Date Filed: 03/25/2003

Other court case numbers: 1:03-cv-00547 related case

1:04-cv-00627 related case

1:05-cv-585 related case

Magistrate judge case number: 1:03-mj-00045

Assigned to: Chief Judge Robert  
Holmes Bell

**defendant**

**Dustin Gene Fockler #11376-040 (1)**

represented by **Dustin Gene Fockler #11376-040**  
FCI McKean  
P.O. Box 8000  
Bradford, PA 16701  
PRO SE

**Sharon A. Turek**  
Federal Public Defender  
50 Louis, NW  
Grand Rapids, MI 49503-2633  
(616) 742-7420  
Email: sharon\_turek@fd.org  
**TERMINATED: 08/27/2003**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender or  
Community Defender Appointment*

**Pending Counts**

21:846; 21:841(a)(1); 21:841(b)(1)(B)  
(vii); CONSPIRACY TO  
DISTRIBUTE MARIJUANA  
(1s)

18:1956(h); 18:1956(a)(10(A)(i);

**Disposition**

imprisonment of 144 months as to each  
of Counts 1 and 2, to be served  
concurrently; supervised release of 4  
years as to count 1 and 3 years as to  
Count 2, to be served concurrently; fine  
of \$4,000.00, and mandatory special  
assessment of \$10 0.00 on each count,  
for total of \$200.00

imprisonment of 144 months as to each  
of Counts 1 and 2, to be served  
concurrently; supervised release of 4

MONEY LAUNDERING -  
 KIDNAPPING, FEDERAL CHARGES  
 (Money Laundering Conspiracy)  
 (2s)

years as to count 1 and 3 years as to  
 Count 2, to be served concurrently; fine  
 of \$4,000.00, and mandatory special  
 assessment of \$10 0.00 on each count,  
 for total of \$200.00

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

21:846, 21:841(a)(1), 21:841(b)(1)(B)  
 (vii) CONSPIRACY TO DISTRIBUTE  
 MARIJUANA  
 (1)

**Disposition**

dismissed upon motion of Govt at time  
 of sentencing

**Highest Offense Level (Terminated)**

Felony

**Complaints**

None

**Disposition**

**Plaintiff**

USA

represented by **B. Rene Shekmer**  
 U.S. Attorney (Grand Rapids)  
 The Law Bldg.  
 330 Ionia Ave., NW  
 P.O. Box 208  
 Grand Rapids, MI 49501-0208  
 (616) 456-2517  
 Fax: (616) 456-2517  
 Email: rene.shekmer@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
03/08/2000		ATTORNEY Dennis DuVall admitted to practice (jal) (Entered: 06/17/2003)
03/21/2003	1	COMPLAINT (3 pgs) with affidavit in support against deft Dustin Gene Fockler, deft Augustin Benitez Rodriguez, deft Tim Eugene Hall, deft Cesar G. Bermudez by Magistrate Judge Hugh W. Brenneman Jr. [ 1:03-m -45 ] (ddk) (Entered: 03/24/2003)
03/21/2003		MINUTES: before Magistrate Judge Hugh W. Brenneman Jr.; first

		appearance of Dustin Gene Fockler w/out attorney present ; deft will retain his own counsel; Govt moves for detention & 10-day continuance; deft remanded to custody ; case to be set for detention hrg and preliminary exam (or arraignment,if indicted); ct recorder: DDK; Tape B03-66 [ 1:03-m -45 ] (ddk) (Entered: 03/24/2003)
03/25/2003	6	INDICTMENT (2 pgs) against Dustin Gene Fockler (1) count 1, Augustin Benitez Rodriguez (2) count 1, Tim Eugene Hall (3) count 1, Cesar G. Bermudez (4) count 1, Albert Frank Hidalgo (5) count 1, Nicholas James Sklapsky (6) count 1, James Taul (7) count 1, Chad Anthony Taul (8) count 1 (dmh) (Entered: 03/26/2003)
03/26/2003	9	NOTICE of hearing by Magistrate Judge Hugh W. Brenneman Jr. as to deft Dustin Gene Fockler, deft Augustin Benitez Rodriguez aka Alberto Rodriguez Benitez, deft Tim Eugene Hall; arraignment, initial pretrial conference and detention hrg set for 3/31/03 at 2:45 pm (cc: all counsel, USM, USPO 3/26/03 fh) (ddk) Modified on 03/28/2003 (Entered: 03/28/2003)
03/26/2003	10	ORDER (1 pg) by Magistrate Judge Hugh W. Brenneman Jr. as to deft Dustin Gene Fockler appointing federal public defender (cc: all counsel 3/26/03 fh) [EOD Date 3/28/03] (ddk) (Entered: 03/28/2003)
03/28/2003	13	NOTICE OF COUNSEL ASSIGNMENT by Federal Public Defender; deft Dustin Gene Fockler will be represented by Sharon A. Turek; w/cert of svc (ddk) (Entered: 03/30/2003)
03/31/2003	17	INITIAL DISCOVERY ORDER (5 pgs) by Magistrate Judge Joseph G. Scoville as to deft Albert Hidalgo; (cc: all counsel) [EOD Date 4/1/03] (dmh) (Entered: 04/01/2003)
03/31/2003	22	INITIAL DISCOVERY ORDER (5 pgs) by Magistrate Judge Joseph G. Scoville as to deft Nicholas Sklapsky (cc: all counsel) [EOD Date 4/1/03] (dmh) (Entered: 04/01/2003)
03/31/2003		MINUTES: before Magistrate Judge Hugh W. Brenneman Jr.; financial affidavit filed by deft; dft Dustin Gene Fockler arraigned; deft stood mute and a not guilty plea was entered by the court on behalf of deft; attorney Sharon A. Turek present ; initial pretrial conference held ; summary pretrial order to issue; deft's counsel requested continuance of detention hrg; motion granted by court; and detention hearing continued to a later date during week of 4/14/03 ; deft remanded to custody ; ct recorder: DDK; B03-75 (ddk) (Entered: 04/02/2003)
03/31/2003	31	FINANCIAL AFFIDAVIT by deft Dustin Gene Fockler in support of request for court-appointed counsel (ddk) (Entered: 04/02/2003)
03/31/2003	32	DEFENDANT'S RIGHTS as to deft Dustin Gene Fockler (ddk) (Entered: 04/02/2003)
03/31/2003	33	INITIAL PRETRIAL CONFERENCE SUMMARY ORDER (2 pgs) by Magistrate Judge Hugh W. Brenneman Jr. as to deft Dustin Gene Fockler; ptc held; mtn filing ddl set for 4/21/03; jury trial estimated to

		last 2 weeks for all defts; sentencing guidelines apply (cc: dft cnsl, US Atty 4/2/03 ddk) [EOD Date 4/2/03] (ddk) Modified on 04/02/2003 (Entered: 04/02/2003)
04/01/2003	34	NOTICE of hearing by Magistrate Judge Hugh W. Brenneman Jr. as to deft Dustin Gene Fockler; detention hrg set for 4/16/03 at 2:00 pm (cc: all counsel 4/1/03 fh) (ddk) (Entered: 04/02/2003)
04/07/2003	47	INITIAL DISCOVERY ORDER (5 pgs) by Magistrate Judge Hugh W. Brenneman Jr. as to defts Dustin Gene Fockler, Augustin Benitez Rodriguez, Tim Eugene Hall, and Cesar G. Bermudez (cc: all counsel 4/7/03 fh) [EOD Date 4/9/03] (ddk) (Entered: 04/09/2003)
04/16/2003	50	FINANCIAL AFFIDAVIT of James Taul (cr) (Entered: 04/17/2003)
04/16/2003		MINUTES: before Magistrate Judge Hugh W. Brenneman Jr.; detention hrg held as to deft Dustin Gene Fockler ; deft appeared w/counsel Robert Hackett (for Sharon Turek); deft waived detention and deft is remanded to custody pending further proceedings before the district judge; ct recorder: DDK; Tape B03-89 (ddk) (Entered: 04/18/2003)
04/16/2003	58	ORDER OF DETENTION (1 pg) of deft Dustin Gene Fockler pending trial by Magistrate Judge Hugh W. Brenneman Jr. (cc: all counsel, USM, USPO 4/18/03 ddk) [EOD Date 4/18/03] (ddk) (Entered: 04/18/2003)
04/18/2003		REMARK: case manager for Chief Judge Bell notified that initial pretrial conf was held on 3/31/03 as to deft Dustin Gene Fockler, on 4/16/03 as to deft Augustin Benitez, 4/16/03 as to deft Tim Eugene Hall, and on 3/31/03 as to deft Cesar G. Bermudez; case ready for further proceedings before the district judge as to 4 defts named herein (ddk) (Entered: 04/21/2003)
04/22/2003	63	DISCOVERY ORDER (5 pgs) by Magistrate Judge Ellen S. Carmody as to deft James Taul (cc: all counsel) [EOD Date 4/22/03] (cr) (Entered: 04/22/2003)
04/22/2003		Copy of Docket sent to Chief Judge Bell's Case Manager. (cr) (Entered: 04/22/2003)
04/22/2003	68	INITIAL DISCOVERY ORDER (5 pgs) by Magistrate Judge Joseph G. Scoville as to deft Chad A. Taul; (cc: all counsel) [EOD Date 4/23/03] (dmh) (Entered: 04/23/2003)
04/24/2003	70	ORDER SETTING PRETRIAL AND JURY TRIAL (2 pgs) by Chief Judge Robert Holmes Bell; final pretrial conference set for 6/6/03 at 11:00 a.m.; jury trial set for 6/16/03 at 9:00 a.m. as to all defts (cc: all counsel, USM, USPO & Accurate Interpreters by sdb) [EOD Date 4/24/03] (gjf) (Entered: 04/24/2003)
05/06/2003		MINUTES: before Magistrate Judge Ellen S. Carmody; as to deft James Taul; in-court hrg held as to issue of conflict of interest (defts Taul and Hidalgo represented by atty Blackmond). Attorney Blackmond will withdraw as counsel for Deft Taul. Attorney Buffmyer will be re-appointed for deft Taul; atty Blackmond will continue to represent deft

		Albert Frank Aldalgo ; Recorded by C. Rataher, Tape G03-39 (cr) (Entered: 05/07/2003)
05/06/2003		MINUTES: before Magistrate Judge Ellen S. Carmody; as to deft Albert Frank Hidalgo; in-court hrg held as to issue of conflict of interest (atty Blackmond represents defts James Taul and Albert Frank Hidalgo); atty Blackmond will withdraw as counsel for deft James Taul; atty Buffmyer will be re-appointed to represent deft James Taul; atty Blackmond will continue to represent deft Albert Frank Hidalgo ; Recorded by: C. Rather, Tape G03-39 (cr) (Entered: 05/07/2003)
05/21/2003	81	NOTICE of hearing by Chief Judge Robert Holmes Bell as to deft Dustin Gene Fockler; change of plea hrg set for 5/27/03 at 8:30 a.m. (cc: all counsel, USM, USPO by SB) (dmh) (Entered: 05/21/2003)
05/27/2003	85	INFORMATION (2 pgs) against Dustin Gene Fockler (1) on counts 1s, 2s (ddk) Modified on 05/29/2003 (Entered: 05/29/2003)
05/27/2003	86	WAIVER OF INDICTMENT by deft Dustin Gene Fockler (ddk) (Entered: 05/29/2003)
05/27/2003	87	PLEA AGREEMENT (7 pgs + 2 pg attachment) as to deft Dustin Gene Fockler (cc: Def't's Atty, US Atty & Probation 5/28/03 ddk) (ddk) (Entered: 05/29/2003)
05/27/2003		MINUTES: before Chief Judge Robert Holmes Bell; deft Fockler appeared w/AFP D Turek for change of plea hearing and arraignment ; Information, Waiver of Indictment and Plea Agreement filed; deft arraigned on the Information; and a guilty plea entered by Dustin Gene Fockler (1) on counts 1s, 2s of the Information; the original Indictment TBDATOS ; Plea agreement taken under advisement until time of sentencing; presentence report ordered; sentencing date: August 27, 2003 at 8:30 am; deft remanded to custody ; ct reporter: Kevin Gaugier (ddk) (Entered: 05/29/2003)
05/28/2003	91	NOTICE of hearing by Chief Judge Robert Holmes Bell: sentence hrg set for 8/27/03 at 8:30 am as to deft Dustin Gene Fockler ; sentence hrg set for 8/27/03 at 1:00 pm as to deft Albert Frank Hidalgo ; and sentence hrg set for 8/28/03 at 8:30 am as to deft Alberto Rodriguez Benitez (listed as Augustin Benitez Rodriguez on Indictment) (cc: all counsel, USM, USPO 5/28/03 SB) (ddk) (Entered: 05/30/2003)
06/03/2003	93	ORDER (2 pgs) by Magistrate Judge Hugh W. Brennehan Jr.: granting deft Alberto Rodriguez Benitez's motion for medical treatment [77-1]; ordered that deft Alberto Benitez be transported by the USM on Monday, June 9, 2003, at 5:15 pm or at such other date and time as the Marshals shall arrange, to Dr. Henry Burkhardt's Dentistry Office, located at 802 West State Street, St. Johns, Michigan; provided, however, that deft or deft's relative shall satisfy the Office of the USM prior to transport of the prisoner that all medical bills and expenses related to the transportation have been paid in full or that other arrangements for payment satisfactory to the Marshal's office have been made (cc: AUSA B. Rene Shekmer, dft's atty John Beason (via fax), USM (via hand delivery), USPO on



		6/3/03 ddk) [EOD Date 6/3/03] (ddk) (Entered: 06/03/2003)
06/05/2003	97	PROPOSED VOIR DIRE by pltf USA as to defts James and Chad Taul (dmh) (Entered: 06/09/2003)
06/05/2003	98	TRIAL BRIEF by pltf USA as to defts James and Chad Taul (dmh) (Entered: 06/09/2003)
06/05/2003	99	PROPOSED Jury Instructions by pltf USA as to defts James and Chad Taul (dmh) (Entered: 06/09/2003)
06/05/2003	100	CERTIFICATE OF SERVICE by pltf USA for pldgs. 97-99 (dmh) (Entered: 06/09/2003)
06/06/2003		MINUTES before Chief Judge Robert Holmes Bell; final pretrial conference held as to defts James and Chad Taul; Kevin Gaugier, court reporter (dmh) (Entered: 06/09/2003)
06/10/2003		ADMITTANCE requirement letter mailed to attorney DuVall (dmh) (Entered: 06/10/2003)
06/11/2003	103	LETTER (NOTICE) from U.S. Marshal Service dtd 6/10/03 directed to the Court regarding status of dental treatment for deft Alberto Benitez (ddk) (Entered: 06/13/2003)
06/16/2003		MINUTES before Chief Judge Robert Holmes Bell; Day 1 of jury trial as to defts James and Chad Taul; motion in limine [104-1] denied; Kevin Gaugier, court reporter (dmh) (Entered: 06/17/2003)
06/17/2003		MINUTES before Chief Judge Robert Holmes Bell; Day 2 of Jury Trial as to defts James and Chad Taul; Kevin Gaugier, court reporter (dmh) (Entered: 06/19/2003)
06/18/2003		MINUTES before Chief Judge Robert Holmes Bell; Day 3 of Jury Trial as to defts James and Chad Taul; Kevin Gaugier, court reporter (dmh) (Entered: 06/19/2003)
06/19/2003	105	TRANSCRIPT of Plea as to deft Dustin Gene Fockler held 5/27/03 before Judge Robert Holmes Bell; transcribed by Kevin Gaugier (dmh) (Entered: 06/19/2003)
07/18/2003	112	GOVT'S MOTION regarding USSG 3E1.1(b) as to deft Dustin Gene Fockler with certificate of service (dmh) (Entered: 07/21/2003)
07/31/2003	115	NOTICE of hearing by Chief Judge Robert Holmes Bell; sentence hrg as to deft Alberto Benitez rescheduled from 8/28/03 to 8/27/03 at 10:00 a.m.; sentence hrg as to deft Cesar Bermudez rescheduled from 9/2/03 to 9/16/03 at 8:30 a.m.; (cc: all counsel, USM, USPO, Intptr by SB) (dmh) (Entered: 08/01/2003)
08/07/2003	118	GOVT'S MOTION for downward departure as to deft Dustin Gene Fockler with brief in support and certificate of service (dmh) (Entered: 08/08/2003)
08/22/2003	123	SENTENCING memorandum by deft Dustin Gene Fockler as to deft

		Dustin Gene Fockler w/attachments and cert of svc (ddk) (Entered: 08/25/2003)
08/27/2003		MINUTES: before Chief Judge Robert Holmes Bell; granting Govt's motion for downward departure [118-1]; sentence hrg held ; sentencing Dustin Gene Fockler (1) on counts 1s and 2s of the Information to imprisonment of 144 months as to each Count, to be served concurrently; supervised release of 4 years as to count 1, and 3 years as to Count 2, to be served concurrently; fine of \$4,000.00, and mandatory special assessment of \$100.00 on each count, for total of \$200.00 ; dismissing the one-count Indictment as to Dustin Gene Fockler (1) upon motion of Govt at time of sentencing ; deft remanded to custody ; terminating party Dustin Gene Fockler ; ct reporter: Kevin Gaugier (ddk) Modified on 09/03/2003 (Entered: 08/29/2003)
08/27/2003	126	ACKNOWLEDGEMENT OF RECEIPT of appeal packet by attorney Sharon Turek on behalf of deft Dustin Gene Fockler (ddk) (Entered: 08/29/2003)
08/27/2003		remark: per case mgr for Chief Judge Bell, Govt's motion (dkt #112) termed as to deft Dustin Gene Fockler (ddk) (Entered: 09/03/2003)
08/28/2003	127	JUDGMENT (6 pgs) in a Criminal Case as to deft Dustin Gene Fockler by Chief Judge Robert Holmes Bell (cc: dft cnsl, US Atty, USM, Probation 8/28/03 ddk) [EOD Date 8/29/03] (ddk) (Entered: 08/29/2003)
11/17/2003	150	JUDGMENT and Commitment returned executed as to deft Dustin Gene Fockler showing deft delivered to MoK on 10/17/03 (dmh) (Entered: 11/18/2003)
11/09/2004	155	TRANSCRIPT of Sentencing held August 27, 2003 before Chief Judge Robert Holmes Bell as to Dustin Gene Fockler (Court Reporter: Gaugier, Kevin (616) 456-6133) (Entered: 11/09/2004)
01/06/2005		Copy of Order[156] mailed to Atty Ellis (skr, ) (Entered: 01/06/2005)
01/07/2005		Copy of Order[158] mailed to Atty Ellis (skr, ) (Entered: 01/11/2005)
08/31/2005		MOTION to vacate, set aside, or correct sentence under 28 U.S.C. 2255 filed as civil action 1:05-cv-585 by defendant Dustin Gene Fockler (jlg, ) (Entered: 09/01/2005)
11/03/2005	160	MOTION to amend/correct ( <i>named as motion seeking specific performance</i> ) with certificate of service by Dustin Gene Fockler #11376-040; (Attachments: # 1 Exhibit A) (gif, ) (Entered: 11/04/2005)

## PACER Service Center

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